UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Eighteenth Region

DOUGLAS MACHINE, LLC Employer and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO, LOCAL 949 Petitioner	Case 18-RC-16414

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to me.

Upon the entire record in this proceeding, I find:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.[1]

[1] The Employer, Douglas Machine, LLC, is a limited liability Minnesota corporation with a principal office and place of business located in Alexandria, Minnesota, where it is engaged in the manufacture and non-retail sale and distribution of packaging equipment. During the calendar year ending December 31, 1998, a representative period, the Employer purchased and received goods and services at its Alexandria, Minnesota facility valued in excess of $50,000, directly from suppliers located outside the State of Minnesota.

3. The labor organization involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The Petitioner seeks to represent all full-time and regular part-time production and maintenance employees at the Employer's Alexandria, Minnesota facility, including mechanical assembler machinist, mechanical assembler A, B and C, mechanical assembly leadperson, machine leadperson, pneumatic assembler, pre-assembly coordinator, guarder, shop laborer, assistant electrical leadperson, electrical assembler A, B and C, panel build-up, electrical technical specialist, material handling leadperson, material handler 1, 2 and 3, material handler assembly support, expediter assembler, field service technician, senior field service technician, field service trainee, regional service technician, CNC operator/programmer, CNC saw operator, drill operator, expediter, inspector, machinist B and C, machine shop leadperson, lathe operator, machinist/assembler, mill operator, sheet metal, welder, welder leadperson, maintenance A and B, maintenance mechanical, hazardous material handler, laboratory clerk, plating leadperson, painting leadperson, material handler, plater A and B, shop laborer, painter A and B, research and development engineer, and research and development assembler B.

The Petitioner and the Employer agree to exclude all salaried employees, accounting technician, executive assistant, administrative associate, administrative assistant, planning assistant, human resources coordinator, human resources assistant,

receptionist, travel coordinator, inventory control clerk, records clerk, planning assistant,[2] electrical leadperson, maintenance leadperson, sales support technicians and information systems employees, and guards and supervisors, as defined in the National Labor Relations Act, as amended.

Contrary to Petitioner, the Employer would include in the unit the following classifications: mechanical technical specialist, assistant mechanical designer, mechanical detailer, assistant electrical designer, associate electrical designer, technical writer, customer service engineer, customer service detailer, technical training specialist, replacement parts representative, service project coordinator, service technical advisor, machine planner, purchasing planner, machine shop expediter/programmer, NC programmer, and video/media specialist. The Employer maintains that each position shares a sufficient community of interest to merit inclusion in the unit.

The Employer manufactures customized mechanical packaging machinery, sold primarily to the food and beverage industry. In addition, the Employer provides "after market support" to its customers through parts sales, service, training and refurbishing or rebuilding of machinery.

Approximately 500 employees work in the Employer's four buildings at its Alexandria, Minnesota property. Roughly ten employees work consistently off-site, servicing customers. The Employer's main manufacturing plant, its largest facility, contains the following departments: Administration, Sales, Engineering/Design,

---

[2] The transcript contains some confused testimony on this classification. However, Employer Exhibit 1 indicates that this Operations position is excluded. Neither party offered evidence at hearing regarding this position. I therefore conclude that it is the desire of both parties that this position be excluded from the bargaining unit.

Manufacturing, Machine Assembly Work, Warehouse, Customer Service and Parts Inventory. A smaller facility, located across a private road from the primary facility, is a metal finishing facility where parts are plated or powder painted. A warehouse is located near the metal finishing facility. A fourth facility, called the "Ninth Addition," is located across a public street from the other three buildings.

Employees work primarily in the manufacturing plant and the metal finishing facility. The manufacturing plant has two floors. The second floor contains offices and work spaces for non-assembly work. The first floor contains the significant assembly area, as well as some additional offices on the perimeter. A lunch room with catering service is located on the first floor of the main building, for the use of all employees in all buildings. Additional break areas are located throughout both buildings.

Each customized machine the Employer creates progresses through a series of integrated processes. Initially, the customer specification is analyzed at a scheduling meeting involving various departments. The specification then proceeds to the design departments to allow Mechanical and Electrical Engineering to develop a machine prototype. The manufacture of the machine's individual components is routed to the Machine Shop for fabrication. Material handlers deliver the completed parts to the metal finishing building for application of a designated finish (plating, anodizing or powder coat painting). Once "finished," the handlers return the parts to the main building for sorting in a pre-assembly/materials handling area, and then the parts are placed in a designated position for assembly within the larger assembly area.

With regard to assembly, a project manager and a team of electrical and mechanical assemblers specifically assigned to the project begin building the machine

structure. The mechanical assemblers construct the basic structure of the machine while the electrical assemblers build the machine's electrical infrastructure. Throughout the construction phase, both mechanical and electrical designers consult with the assemblers, and vice versa, regarding potential refabrication and debugging of the machinery. The engineers may come to the production floor to assist with problem solving as necessary. When the machine is complete, it undergoes the Douglas Machine Checkout (DMC), which consists of a team including the project manager, as well as qualified representatives from Sales, Engineering, Assembly, and Customer Service, evaluating the completed product.

Upon machine completion, a customer visit to the plant is scheduled. Machine operators, service mechanics and project engineers meet with the customer's own team for two to three days, allowing the customer to evaluate the machine and train future operators. Finally, the machine is shipped to the customer, and the Employer's Customer Service Department takes over, installing the machine, providing training and technical manuals and replacement parts, machine modifications and rebuilds as needed.

Employees working in the Machine Shop and in Mechanical Assembly operate on three shifts; metal finishing, mechanical engineering and material handling employees staff two shifts; and the remainder of departments work during the day shift.

The Employer encourages a "culture of solving problems with teams." These teams are composed of a mix of job classifications and departments and within the past year dealt with training, product review, metal finishing, value analysis, data collection, safety, health and wellness, selection of materials, improving the plating process and

profit sharing. Both salaried and hourly employees participate in these teams. The Employer will create a "cross-functional" problem solving team to resolve anything inhibiting the flow of machinery in the manufacturing process.[3] Teams may meet sporadically or monthly.

Separate employee groups mingle throughout the manufacturing process. At the pre-assembly meeting early in a machine's manufacturing process, a project manager may gather a mechanical assembly person (although the record is not clear on the frequency of assemblers being involved in such meetings), an assistant electrician or specialist, or electrical assembler, a project designer from Mechanical Engineering, and an electrical designer from Electrical Engineering. The individuals involved in this meeting may be both salaried and hourly employees. As discussed above, there may also be a mix of employees from various departments for the DMC when the machine is complete, but again the record is not clear on the frequency or circumstances when assemblers are part of the DMC. Another group of employees generates a report after the customer has inspected the machine.

Employees from different departments also attend monthly multigroup training sessions. Specific mechanical and electrical skills are taught cooperatively for mechanical and electrical engineering, mechanical and electrical assembly and customer field service.

No one working at the facility wears uniforms, although many people wear company logo shirts paired with jeans or casual pants. Safety glasses and shoes are

---

[3] For example, Employer Exhibit 34 is the minutes from a team meeting on guarding issues (sheet metal or Plexiglas that goes around the machines for safety of operators). This meeting on February 16, 1999, included the director of manufacturing, an electrical assembler, an assistant mechanical designer, the mechanical assembly manager, and a guard lead person.

required for the production floor of the main building. Employees with close customer contact are expected to wear more formal clothing.

The employee classifications upon which both parties have reached agreement for unit inclusion are paid hourly and receive overtime pay. Hourly employees track their hours daily on blue time cards, with the exception of some field employees who call in their hours on a weekly basis. The Employer has an established pay plan for hourly employees containing 13 different wage ranges, letters A-M. Each letter category merits a certain rate of pay based on employee qualifications, skills and job requirements. Within each of the 13 categories are a defined minimum, mid-point and maximum rate. Rates at either end of the spectrum may overlap with rates in other categories. Each employee receives an annual review. The employees in dispute are in wage ranges E, F, H, I, J, L and M. Employees that both parties contend are in the unit are in all wage ranges.

The Human Resources Department posts all position job openings on each of seven job-posting bulletin boards located throughout the Employer's facilities. Any employee may apply for any job.

All employees, both salaried and hourly, share a common employee manual and its corresponding policies and benefits, including identical cafeteria plans, health insurance, short-term and long-term disability plans, personal time off (sick, funeral, vacations, holidays), and 401K profit-sharing and retirement plans. All employees are linked by the same internal computer network.

The parties do not dispute the inclusion of all non-salaried hourly employees from the following areas: Material Handling, Metal Finishing, Electrical Assembly,

Maintenance, and Research and Development. However, the parties could not reach agreement on 17 job classifications drawing from the following areas: Sales, Mechanical and Electrical Engineering, Machine Shop, Mechanical Assembly, and Customer Service. The record establishes that the Employer has divided the operational part of the business into three distinct areas, each headed by an upper-level manager reporting directly to the vice president for Operations. Those areas are Customer Service, headed by Director Gene Corle; Manufacturing, headed by Director Dave Barkeim; and Metal Finishing, headed by General Manager Rick Rosenfield. In turn, each area is divided into separate "departments," with one or more supervisors and/or managers responsible for the departments. For example, Customer Service includes Field Service, which employs senior field service technicians, field service technicians, regional service technicians (who Petitioner contends should be in the unit), and service technical advisers (who the Employer contends are part of the unit and Petitioner contends should be excluded). Other "departments" in Customer Service include Service Engineering, where three classifications in dispute are located (customer service engineer, customer service detailer, and service project coordinator); Service Parts, where Petitioner agrees to include the expediter/assembler, but seeks to exclude the replacement parts representative (contrary to the Employer); Technical Manuals, which employs the disputed classification of technical writer; and Technical Training, which employs the disputed classification of technical training specialist.

A second area is Manufacturing. It includes Electrical and Mechanical Assembly Departments, where many of the employees in the unit work, but in dispute is the mechanical technical specialist in Mechanical Assembly (although Petitioner would

include the technical specialist in Electrical Assembly). One department under Manufacturing is the Machine Shop, where Petitioner seeks to include a number of classifications, but to exclude expediters, machine planner, purchasing planner, and NC programmer (all of whom report to managers who, in turn, report to the vice president of Operations), all of whom the Employer would include. Another department is Material Handling, where the parties agree on the inclusion of all hourly employees. Finally, the third area is Metal Finishing, where no employees are in dispute.

Wholly separate from Operations is Engineering, headed by Vice President Dale Haug. Within Engineering are three "departments" supervised by individuals who report to Haug, except Research and Development, which Haug supervises directly. Petitioner seeks to include the Research and Development employees, but not the hourly employees in Electrical or Mechanical Engineering, who the Employer contends should also be in the unit.

Finally, wholly separate from both Operations and Engineering is Sales and Marketing, headed by Vice President Paul Anderson. Petitioner seeks no employees in this area, although the Employer contends that the video/media specialist employed in this area should be in the unit.

A description of each job in dispute is as follows:

Sales Department

Video/Media Specialist (one person, Dan Sutton). The Employer seeks to include this individual, who holds the job of videotaping every machine manufactured by the Employer. The tapes are then filed as a record for field service technicians when future service is needed, or they may be used in a sales presentation to other

customers. Sutton's office is located in the first floor sales area of the main building, furnished with a desk, a computer, and a darkroom. Sutton spends approximately 60 percent of his work time cataloging videos and assisting in the preparation of marketing materials. The remainder of his time is spent shooting videos of machines under manufacture. Sutton interacts with assembly persons when videotaping the machines. Sutton is a former electrical assembler. Sutton works the day shift and dresses casually. He reports to the marketing service manager, and is the only employee reporting to this manager.

Mechanical and Electrical Engineering/Design Departments

These departments take the customer specification sheet and design a machine to meet the customer's needs. The design office areas are located on the second floor of the main building, with quick and easy access to the production floor by stairs and elevator. Most of these people work on the day shift, with some detailers working second shift. The majority of their time is spent working on personal computers. An assembler working at a high grade level would not necessarily receive a pay promotion if accepting a position in Design. These positions do not normally work with tools performing assembly and fabrication functions. Both departments report to the vice president of Engineering.

The Mechanical Engineering Department creates the initial mechanical design of a machine, makes changes to the design throughout the manufacturing process, orders the parts that go into the machine, generates prints to be sent to the machine shop for fabrication, determines the metal finishing on components, and creates assembly prints for the assembly floor. All employees in the department report to the director of

Mechanical Engineering. Seven of 33 employees in this department originally worked on the assembly floor. Members of this department may temporarily transfer to the production floor to help with assembly work for periods of one week to one month at a time.

The department is composed of 12 teams who design approximately 10 machines each per year. The teams may be working on as many as three separate projects at any one time. Each team is composed of a designer, assistant designer and detailer. Assistant designers and detailers report to their team leader designer, who is in turn responsible to the design supervisor. The design team members have regular contact with assembly and machine shop employees during production, to allow continuous updating of the machine's design.

Within Mechanical Engineering, the following positions are in dispute:

Assistant Mechanical Designer (18 individuals) may substitute for the designer, a position outside the unit. This is a "highly technical" position, designing an overall combination of mechanical parts. The assistant mechanical designer would not do mechanical assembly work, but would consult with the mechanical assemblers on the production floor.

Detailer (12 individuals) is the draftsman for the project. He has contact with the Machine Shop as he designs individual parts rather than the overall combination of parts. The detailer averages about an hour each day on the production floor, marking drawings to reflect changes that have been made by assemblers. He may be temporarily reassigned to the production floor to assist in debugging machinery, but not welding or machine work, and would then report to the floor supervisor.

In addition to Mechanical Engineering, there is an Electrical Engineering area. Electrical Engineering is supervised by the director of Electrical Engineering, and employees work on personal computers located in cubicles on the second floor of the main facility. The department employees design the initial computer programming of the machine, prepare electrical schematics used in the assembling of machines, troubleshoot the machine on the floor, debug programs, and order electrical components. This department's work takes less time than that of the Mechanical Engineering Department, and it can complete twice as many projects each year.

The department works in two-person teams consisting of a designer (non-unit) plus an assistant or associate electrical designer. The assistant electrical designers are more experienced than the associate electrical designers. Seven people in the department originally worked in Electrical Assembly, and at least one department member has returned to assembly work. The assistant and associate engineers may temporarily transfer to the floor to help with assembly work, for periods of one week to one month at a time. Department members wear casual business attire unless a customer is present.

Within Electrical Engineering, the following positions are in dispute:

Assistant Electrical Designer (four individuals) knows the major layout design and assists the designer in completing that layout; he then works with the detailer to get all the parts made. He creates drawings of the components on an electrical panel. He also works with the NC programmer (discussed below) in the Machine Shop on the layout of the metal plate containing all the electrical components. According to the

Employer, the assistant designer spends at least one hour per day on the assembly floor, consulting with assemblers.

Electrical Associate (two individuals) does the same work as the assistant designer, but is less experienced. This position tends to have a little more assembly floor contact than the assistant designer.

Machine Shop

The Machine Shop is one division of Manufacturing and is located on the first floor in the southwest corner of the main building, within the larger assembly area. The Machine Shop manager reports to the director of Manufacturing, who in turn reports to the vice president of Operations. The machining group fabricates components from prints. The Machine Shop includes 90 to 100 people divided into eight work cells. Each cell can complete a machine part from start to finish, including the necessary milling, drilling, and deburring. After fabrication, the individual components are gathered and transferred by the materials handling group (included in the unit) to the metal finishing facility, the smaller building across the road. The Machine Shop employees may float to work in the assembly area as needed. Individuals in dispute are:

Machine Planner (one individual) talks to the floor operators to assess the level of completion of the machines and to determine whether or not the work needs to be "outsourced" to meet completion dates. The bulk of his work time is spent doing planning in a work area on second floor near the vice president of Operations. The remaining 30 to 40 percent of his time is spent working on the floor. The machine planner dresses in the same casual clothing as the machinists and wears safety shoes

and glasses when working on the floor. He reports to Machine Shop Manager J. Weossner.

Purchasing Planner (one individual) sorts the prints for the machinists and generates the cutting list for the saw department in the Machine Shop. He does not work on the machines themselves, but rather uses a computer and a copy machine at a work station in the Operations area of the main plant. The purchasing planner also reports to Manager Weossner.

Machine Shop Expediter/Computer Operator (one individual).[4] This position reports to Manager Weossner, as well as to the Machine Shop operators. In the expediter portion of the job, this person tracks down parts on the immediate "short list" from different areas in the plant, with 80 to 90 percent of her time spent in the Machine Shop. As a computer operator, she enters data on how much steel is used each day, keeping the inventory accurate. The data entry work is handled at a computer terminal in the Machine Shop.

Mechanical Assembly Department

As noted above, employees in this department take the machine parts—both purchased and fabricated—and assemble them into the machine frame, and then build the frame up. In dispute in this area are:

Mechanical Technical Specialist (one individual) is considered a "super assembler" by the Employer. The person in this position has extensive mechanical assembly experience, but is not a leadperson. He is supervised by Assembly Manager

[4] There is another person named Brian Engstrom working in this area strictly as a Machine Shop expediter. Engstrom reports to Weossner also. While located at a desk in the Machine Shop, he sorts prints by project and delivers them to assembly. Petitioner seeks to include Engstrom in the unit.

Jim Koubsky, who in turn reports to the director of Manufacturing. The mechanical technical specialist position mirrors the electrical technical specialist position in Electrical Assembly. Petitioner wishes to include in the unit the electrical technical specialist. The focus of the mechanical technical specialist position is to complete special mechanical projects anywhere on the assembly floor, but the mechanical technical specialist will also assist in basic mechanical assembly work.

NC Programmer (one individual) reports to the industrial engineer, who in turn reports to the vice president of Operations. "NC" is an abbreviation for "Computer Numerical Controlled" programmer. The NC programmer receives prints from Engineering when the purchasing planner receives the same prints. However, the NC programmer then programs the CNC portion of the future machinery ahead of time for the machine operator to use later; he translates the print into machine language so that the machine can make the print on the computerized program. The programmer spends about 90 percent of his time in an office and 10 percent of his time on the assembly floor. CNC assembly machinists (included in the unit) have the same technical skills and can perform the same functions when necessary.

Customer Service Department

It is the job of the five sections of this department (Field Service, Service Engineering, Service Parts, Technical Manuals, and Technical Training) to support the customer once the machine has been manufactured and left the plant. Tasks include installing machines, training customer personnel, and providing the customer with technical manuals, replacement parts, modifications and rebuilds on machines as

needed. The Customer Service Department is headed by Customer Service Director Gene Corle, and its employees are located on the first floor of the main facility in the northwest corner, adjacent to the assembly floor. Petitioner wishes to represent five positions selected from two of the five sections in this department[5] and to exclude an additional seven positions.

Field Service

Field Service begins with "after market" initial installation at the customer's site by the field service representative (Petitioner and the Employer would include them in the unit). Additionally, the field service representatives serve as the "factory in the field" by installing changed parts, dealing with service problems, and refurbishing or rebuilding machines. There are two field service managers, who in turn both report to the Customer Service director. In dispute are:

Service Technical Advisor (five individuals) supports the field service technicians when the latter are working in the field. The advisors will brief the field service technicians before, during and after field assignments, supplying them with information and logistics. The advisors are former field service technicians themselves, but in this position the most they may travel away from the plant is a couple of times per quarter to handle more difficult situations. The advisors may spend up to two hours daily on the assembly floor, obtaining information from the assemblers, and may actually do assembly work themselves to assist in solving problems and to get machines ready to ship, although the record is unclear on how frequently these functions are actually performed. The service technical advisors, as well as the field

[5] From Field Service—field service trainee, field service technician, senior field service technician and regional service technician; and from Service Parts—the expediter/assembler.

service technicians, are supervised by the field service managers. This position receives the same pay range as the senior field service technicians—a position included in the unit.

Service Engineering

Service Engineering is a group of field engineers that make the determination, after equipment has been installed, whether a customer's request for changes will require redesign of the machine. The customer service engineers also investigate and determine whether machines can be modified for additional new sizes requested by the customer after the machine has been installed in the field. This group works in conjunction with the field service technicians on the design and detail of needed parts. The group members may travel to the field during redesign or modification of a customer's machine, but will also assist on the assembly floor if a machine is redone at the plant. Again, however, the record does not make clear how frequently such assistance occurs. All members of the group report to D. Swanson, manager of Service Engineering, who in turn reports to the Customer Service director.

Customer Service Engineer (two individuals are salaried and not in dispute; the remaining four individuals receive hourly pay and are disputed). The work of this position parallels that of the assistant designers and detailers working in Mechanical and Electrical Engineering, but the focus of this group is "after market" rather than at the building stage. Approximately 60 percent of customer service engineer time is spent in design and research, and the remaining 40 percent of time is devoted to interaction with field personnel at the customer site, trying to resolve machine problems during installation and startup. This latter responsibility may involve travel to the field. The

customer service engineers may work on machine design with the assembly floor people about an hour and a half per day. Two of the four hourly customer service engineers were promoted from other company positions; the other two were hired from the outside.

Customer Service Detailer (one individual) position parallels the detailer position in the Mechanical Engineering Department. This particular detailer was hired from outside the company based on her substantial detailing experience.

Service Project Coordinator (one individual) works with the modifications that will be done in the field by coordinating the manufacture and fabrication of parts and informing the responsible service technician. The project coordinator schedules the initial installation date with the customer, as well as the date of any later parts delivery. According to the Employer, the project coordinator is also on the assembly floor for approximately 40 percent of his work day, doing assembly himself or lining up someone to do certain assembly work. This position earns more pay than field service technicians, but less pay than service engineers.

Service Parts

The Service Parts group handles the after market sale of replacement parts to customers and reports to the director of Customer Service. These individuals have only limited contact with the field service representatives or the assembly floor. One of the key functions is to walk parts through the system. The replacement parts supervisor supervises the other two job classifications in the group: replacement parts representative and expediter/assembler. Petitioner wishes to include only the expediter/assembler from this group.

Replacement Parts Representative (three individuals) receives parts orders from customers or from field service technicians. This position has regular contact with the expediter/assembler, who is the "legs" for this function. However, the replacement parts representatives will walk the parts through the system when the expediter/assembler is busy. This position prepares the "shop packets" that the expediter takes to the floor and also has contact with the Materials Handling Department several times per week. Most of these representatives were recruited from Assembly and Materials Handling and receive a higher hourly pay than does the expediter/assembler.

Technical Manuals

The Technical Manuals area reports to the Customer Service director, and its two technical writers are supervised by a technical writer/publication supervisor. The writers develop specific maintenance manuals for every individual machine designed for customers. The Employer considers the manual to be an integral part of the machine itself. In dispute is:

Technical Writer (two individuals) spends about 20 to 30 percent of the work day gathering information from the assembly floor and from Engineering, but the bulk of his time is spent drafting operator and service manuals. Although these individuals need to be in close proximity to the machines for observation, they do no assembly or fabrication on the machines. The technical writers are hired from the outside and earn the same range of pay as the video/media specialist and some assembly A positions.

Technical Training

The Technical Training group consists of one manager and one technical training specialist, and the manager reports to the Customer Service director. The function of this group is to provide customers with training on how to operate and maintain their equipment. In dispute is:

Technical Training Specialist (one individual) spends about 60 percent of his time developing training courses and presenting formal classroom training at the customer site. The remaining 40 percent of his time is used to gather the necessary training information. The specialist may also lead internal training. The job existed only informally prior to two to three months ago. The position earns the same pay range as the senior service technicians, an included position. The specialist does no production

work, but may assist field service technicians at customer sites. In the past, training has also been led by assembly leadpersons.

Analysis and Conclusion

Based on the foregoing and the record as a whole, I conclude that, except for the video/media specialist, the appropriate unit should include not only the classifications sought by Petitioner, but also the remaining classifications in dispute. In reaching this conclusion, I rely particularly on the Board's admonition that it will not approve fractured units; that is, combinations of employees that have no rational basis. Seaboard Marine, Ltd., 327 NLRB No. 108 (February 2, 1999). In this matter, Petitioner seeks to include most, but not all, hourly employees employed in production and the Machine Shop. Petitioner also seeks to include in the unit some Customer Service and Engineering employees, but to exclude most of these employees. Thus, by including some employees from Customer Service and Engineering, Petitioner has conceded that there is community of interest among employees in Customer Service, Manufacturing and Engineering, as contended by the Employer, even though the three areas have distinct lines of direct and upper-level supervision.

Petitioner has, without any explanation, included senior field service technicians, field service technicians, and regional field service technicians, who spend the majority of their time away from the Employer's facility servicing customers, and who are within the Employer's customer service area; and yet Petitioner seeks to exclude the service technical adviser, who provides support for the field services technician and is supervised by the same person as the field technicians. Moreover, Petitioner seeks to exclude other Customer Service employees, whose primary function is to service

customers after sales are completed, which are jobs functionally related to field technicians. Similarly, in the Machine Shop, Petitioner would exclude the machine planner, the purchasing planner, one of two expediters and the NC programmer, even though it has included other Machine Shop employees who are commonly supervised and even though the expediter/computer programmer, for example, has somewhat similar responsibilities as material handlers, who Petitioner agrees are in the unit.

While Petitioner does not seek any employees employed in the Employer's Engineering area, I note that the positions in dispute in the Engineering area are technical in nature like some of the positions in the Customer Service area, including positions that Petitioner would include in the unit. Moreover, Petitioner seeks to include Research and Development employees, including the research and development engineer. Yet, the functions of the Research and Development employees are similar to those of Engineering employees, their job skills are similar, and the Research and Development employees and Engineering employees report to the same vice president. Thus, I conclude that the Research and Development employees whom Petitioner seeks to include in the unit share a close community of interest with the remaining hourly employees in Engineering, whom Petitioner seeks to exclude from the unit.

My conclusion that Petitioner has provided no rational basis for the combination of employees it seeks is further supported by the facts that all of the employees in dispute share common benefits and wage ranges with some or all of the employees whom Petitioner seeks; and that all of the employees in dispute share common supervision with at least some of the employees whom Petitioner seeks, although in Engineering the common supervision is at the vice president level. Thus, because

Petitioner seeks some employees in the Machine Shop, the appropriate unit must include all Machine Shop employees because they carry out functionally related duties and share a community of interest with one another. Similarly, because Petitioner seeks some employees in Customer Service, the unit must include all employees in Customer Service because they carry out functionally related duties and share a community of interest with one another. Finally, because Petitioner seeks the Research and Development employees, the unit must include all hourly employees in Engineering because their jobs are functionally similar and require similar skills; they all ultimately report to the vice president of Engineering; and they otherwise share a community of interest with one another. Seaboard Marine, Ltd., supra; Peco Energy Co., 322 NLRB 1074 (1997); Inland Steel Co., 308 NLRB 868 (1992).

However, I will exclude from the unit the video/media specialist. The Employer's basis for arguing inclusion is that the specialist spends about 40 percent of his time on the production floor videotaping the production process and/or new product, and, therefore, in the process of videotaping, he has regular contact with assemblers. However, it is clear that the video/media specialist is separately supervised, both with regard to immediate and upper-level supervision; that he is part of the Sales & Marketing arm of the Employer's operation, and no other Sales & Marketing employees are in the unit; that there is neither interchange nor functional integration of jobs between the video/media specialist and other unit employees; and that any contact between the video/media specialist and assemblers is incidental to his primary function of videotaping the Employer's operations as part of the Employer's marketing efforts. Lundy Packing Co., 314 NLRB 1042 (1994).

6. The following employees of the Employer constitute a unit appropriate[6] for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

> All full-time and regular part-time hourly paid employees employed by the Employer at its Alexandria, Minnesota facilities in engineering, research and development, manufacturing, maintenance, metal finishing, customer service, and the machine shop; excluding salaried employees, all sales and marketing employees, clerical and administrative employees, guards and supervisors as defined in the National Labor Relations Act, as amended, and all other employees.

DIRECTION OF ELECTION[7]

An election by secret ballot will be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the Notice of Election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date below, including employees who did not work

---

[6] Although the unit found appropriate herein is broader in scope than that sought by Petitioner, I shall not dismiss the petition inasmuch as Petitioner has not disclaimed interest in the broader unit. In these circumstances, in accord with established Board policy, I shall direct an election in the appropriate unit conditioned upon the demonstration by Petitioner within fourteen (14) days from the issuance hereof that it has made an adequate showing of interest in the broader unit. In the event Petitioner does not wish to participate in the election in the unit found appropriate herein, I shall permit it to withdraw without prejudice upon notice to the undersigned within fourteen (14) days from the date of issuance of this Decision or, if applicable, from the date the Board denies any request for review of the unit-scope findings in this Decision. Independent Linen Service Company of Mississippi, 122 NLRB 1002, 1005 (1959).

[7] Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 - 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by **March 19, 1999**.

during that period because they were ill, on vacation or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period, and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are persons who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.[8]

Those eligible shall vote whether or not they desire to be represented for collective-bargaining purposes by the International Brotherhood of Electrical Workers, AFL-CIO, Local 949.

[8] To ensure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. Excelsior Underwear Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Co., 394 U.S. 759 (1969). Accordingly, it is directed that two copies of an election eligibility list containing the *full* names and addresses of all the eligible voters must be filed by the Employer with the Regional Director within seven (7) days of the date of this Decision and Direction of Election. North Macon Health Care Facility, 315 NLRB 359 (1994). The Regional Director shall make the list available to all parties to the election. In order to be timely filed, this list must be received in the Minneapolis Regional Office, Room 234 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401, on or before **March 12, 1999**. No extension of time to file this list may be granted by the Regional Director except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the filing of such list. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

Dated at Minneapolis, Minnesota, this 5th day of March, 1999.

/s/ Ronald M. Sharp

Ronald M. Sharp, Regional Director
Eighteenth Region
National Labor Relations Board

Index # 440-1760-3460
440-1760-3480